

SPIXIANA	11	3	201–204	München, 30. April 1989	ISSN 0341–8391
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The Museum G. Frey “National Treasure” of the Federal Republic of Germany

By Herbert Frey and Ernst Josef Fittkau

In the Bavarian Official Gazette (Bayerischer Staatsanzeiger), 8 (February 26, 1988) the Bavarian State Ministry of Arts and Science announced that, according to article 1 of the law dated of August 6, 1955 (BGBl. IS. 501) which aims to protect German cultural property from export, the G. Frey collection of beetles and the library belonging to it had been entered into the index of nationally valuable cultural property as number 02801 on February 10, 1988. “This collection may not be removed from the purview of the law which aims to protect German cultural property from export without permission granted by the Federal Minister of the Interior after hearing a committee of experts“ (St. Anz. 8, 1988). A corresponding notice was published in the Federal Gazette (Bundesanzeiger) 47.

This is the first time in the history of the Federal Republic of Germany that the legislature acknowledged a zoological collection as a National Treasure, so that this politico-cultural decision gains an extraordinary significance and becomes well worth the attention of zoology experts. In order to prevent misinterpretations, however, it seems of utmost importance to us to go one step further and throw light on the circumstances that made this governmental decision necessary.

The “Museum G. Frey” has been known among experts for the world’s most extensive private collection of beetles for a long time. Its scientific value can be compared to that of the world’s largest museums. The industrialist Consul Dr. h. c. Georg Frey, who died in 1976, spent almost 50 years collecting approximately 150000 species of beetles, 20000 of them exemplified as types. Part of the 2.5 to 3 million mounted and scientifically evaluated beetles were collected on 36 expeditions all over the world, a number of them led by Dr. Frey himself. Added to that was the yield of 20 further expeditions. What helped the collection to its outstanding scientific importance, though, was the incorporation of collections from the estates of about 40 renowned coleopterists.

Collectors, preparators, scientists, and, last but not least, Consul Dr. G. Frey himself, all had to invest an incredible amount of working hours in procuring the material, in evaluating it scientifically and in classifying it. It required a singular combination of qualities on the part of Consul Dr. G. Frey – his enthusiasm and his devotion to science, together with his entrepreneur’s talent for organization and his ability as well as his readiness to provide sufficient amounts of money from private funds for scientific purposes – to make the collection what it is today: National Treasure.

What made the central executive board of the Science Collections of the Bavarian State (Staatliche Naturwissenschaftliche Sammlungen Bayerns) propose the registration of the “Museum G. Frey” in the index of “National Treasures” of the Federal Republic of Germany on August 19, 1987, was the news about endeavours of the Basle Museum of Natural History (Naturhistorisches Museum Basel) to buy Frey’s collection of beetles. Until then there had been no doubt among experts that the State Collection of Zoology (Zoologische Staatssammlung) in Munich would, in due course, take charge of the G. Frey Museum. From the beginning of his entomological activities until his death, Consul Dr. Frey had been in close contact with the State Collection of Zoology; he was also one of the founders of its fund raising committee, over which he presided for many years. After his father’s death, the spokesman of the community of heirs, Herbert Frey, with the approval of Mrs Barbara Frey, approached chief conservator Dr. G. Scherer, head of the coleopterological section of the State Collection of Zoo-

logy, asking him to take over part of the superintendence of the Frey Museum and – in very urgent cases – to assist in the issuing and taking back of coleopterological material as far as possible. Dr. Scherer had been with the Frey Museum for 15 years and had been its scientific director before he was taken on by the State Collection. When the State Collection of Zoology was rebuilt, the additional space required for the Frey Museum was included in the design, a step naturally approved of by Herbert Frey. This meant that the State Collection was now able to meet the condition which Consul Dr. Frey had made, requesting suitable accommodation for the collection and the library in case of take-over.

The body officially responsible for the museum, the Incorporated Society for the Promotion of Entomological Research (*Verein zur Förderung der wissenschaftlichen Arbeit auf dem Gebiet der Entomologie e. V.*), was set up by Consul Dr. Frey in his time and still exists today. One of the functions of the society is the publication of the periodical “Entomological Studies of the Frey Museum” (*Entomologische Arbeiten aus dem Museum Frey*), founded in 1950. Members of the society’s executive board are, among others, the director of the State Collection of Zoology, his colleague, Dr. Scherer, and Dr. Hüdepohl, the present chairman of the Society of the Promoters of the State Collection of Zoology. Dr. Scherer has been editor of the renowned periodical of the Frey Museum since 1964; since Consul Frey’s death, he has edited five volumes, which cover a total of about about 1700 pages. It was possible to publish the double volume 35/36, ordered by the society in 1986, before the end of 1987.

Until the summer of 1987 there was no tangible cause for the State Collection of Zoology to apprehend that Mrs Barbara Frey might disregard Consul Dr. Frey’s wish (a wish widely known among experts) to consign the museum to the State of Bavaria rather than to anybody else.

August 1986 was the first time that both the community of heirs and the State Collection of Zoology found themselves confronted with a concrete sales offer from Mrs Barbara Frey. The State Collection of Zoology received a copy of the letter containing the offer from an institution in the United States, as there it was understood that the Frey Museum should remain in Munich by all means and that therefore the State Collection of Zoology was considered to be “in charge”.

Hence, when in the second week of August 1987 reports on the radio and in the press informed us of sales negotiations between the Basle Museum of Natural History and Mrs Barbara Frey, that news came as a great surprise to us. It was the more surprising as the gentlemen from Basle, Dr. h. c. W. Wittmer and Dr. M. Brancucci, had known for years that the Frey Museum was supposed to come to the State of Bavaria, or rather to the State Collection of Zoology. Both coleopterologists had been very well acquainted with the facts for a long time: they were aware of the relationship of the State Collection of Zoology to the Frey Museum, to Mrs Barbara Frey, and to the community of heirs, represented by Herbert Frey. Thus in a letter to Dr. Scherer for instance, dated as early as February 2, 1979, Dr. Wittmer mentioned a meeting with Herbert Frey during which Herbert Frey himself told him that he was actively supporting plans to entrust the Frey Museum to the State Collection of Zoology in due course.

At this point it might be appropriate to point out that there had always been collegial cooperation between the museums in Munich and Basle. How far this cooperation went may be demonstrated by the fact that Dr. Scherer wrote a reference for Dr. Brancucci when the latter applied for the succession of Dr. Wittmer at the museum in Basle. Dr. Wittmer last visited the State Collection of Zoology on June 25, 1987, as a guest of Dr. Scherer. On that occasion he also spent some time in front of the empty shelves in the coleopterological section that were marked as reserved for the Frey collection. He made very extensive use of this opportunity to get first-hand information on our present conceptions of the future of the museum.

On September 7, 1987, the Bavarian State Ministry of Arts and Science informed the parties involved that the proceedings concerning the registration of the collection “Museum G. Frey” in the index of National Treasurers according to the law for cultural protection had been instituted and that with that the exportation of the collection had been rendered illegal. The removal of the collection, which

had already been initiated, could thus be prevented. In response to this decision, the society “Beetles for Basle” (Käfer für Basel) entered into a contract with Mrs Barbara Frey on September 22, 1987, according to which the collection of beetles and the library were made a free 30-year loan to the Basle Museum of Natural History for further maintenance and use. Simultaneously the Basle society took legal action against the proposed registration of the Museum Frey in the index of National Treasure.

The thus initiated legal dispute between the Basle Museum of Natural History, represented by the society “Beetles for Basle”, and the State Collection of Zoology, represented by the State Ministry of Arts and Science, was accompanied by a number of aggravating falsifications of facts spread by the Swiss party. This is not the place to go into details about the skilfully presented justifications of their unfair and inconsiderate behaviour which they also passed on to the media, partly at enormous expense.

A first comment on these, in part slanderous, statements and insinuations was given by Dr. Scherer in the Entomological Studies of the Frey Museum, 35/36, 247–248, in December 1987. In response to this attempt at a clarification the head of the entomological department of the Basle Museum of Natural History, Dr. M. Brancucci, and his predecessor, Dr. W. Wittmer, protested against Dr. Scherer’s presentation of the issue in an official letter, dated February 1988, which was sent to zoology experts and museums all over the world. Among other things this letter pointed out that Mrs Barbara Frey, as heiress to Dr. Georg Frey, had had well-considered personal reasons for not wishing the collection to be entrusted to the State Collection of Zoology, an attitude that was said to be “in accordance with the wishes of the late founder of the collection, Consul Dr. h. c. Georg Frey.”

This last assertion of the representatives of the Basle Museum is definitely untrue. The truth is rather that Dr. Wittmer, who represented the museum in the negotiations, took advantage of a mood of purely personal vexation on the part of Mrs Barbara Frey in order to secure the collection for Switzerland. This is very clear in a letter Mrs Barbara Frey wrote to the Bavarian Administrative Court on November 20, 1988. In this letter she refers to an early dinner in June 1986 to which, on the occasion of a routine visit to the museum, she had asked Dr. Hüdepohl, chairman of the Society of the Promoters of the State Collection of Zoology, and Dr. Scherer:

“We came to talk about the beetles; I made it quite explicitly clear to Dr. Scherer that according to the will the beetles belonged to me and not to the children, but I also said that perhaps I would give them to the State Collection, I wasn’t decided yet. The persons present at the table can witness that.

It seems Dr. Scherer did not believe me, as I realized from various responses and actions. This caused me to offer the collection to other museums since it was not national treasure after all.”

That Consul Dr. G. Frey explicitly wanted to bestow his collection on the State of Bavaria can be seen from the following documents, listed in chronological order:

June 4, 1958: A will was made which obliged the heirs to create a foundation trust for the maintenance of the Frey Museum as well as a legacy to the benefit of the foundation. The final instruction reads as follows:

“If in default of available funds the foundation cannot be maintained, the assets of the foundation are to come to the State of Bavaria.”

– Autumn 1965: Drafts for an alteration of the will from June 4, 1958 were made, to the effect that the foundation trust requested was to be a partner of the firms in Munich and Bad Ischl. Again, the draft emphasized in its conclusion:

“Should these funds prove insufficient for more than three years, a dissolution of the foundation is to be considered. The museum is then to be offered to the State of Bavaria.”

– December 1965: A first draft of a contract of inheritance with the State of Bavaria was made, containing a legacy with certain conditions attached to it. The issue was then discussed with representatives of the Bavarian State, and a basic understanding about the contract including the proposed condi-

tions was reached. Dr. Frey, however, began to show himself slightly irritated at a certain hesitancy on the part of the Bavarian State Ministry of Finance to approve of the proposal.

– September 13, 1966: A new will was made concerning the museum; this will contained the legacy to the benefit of the State of Bavaria under certain conditions.

– April 17, 1967: The State Ministry of Education and Cultural Matters approved of the proposed contract of inheritance. At this point at the latest Dr. Frey's slight irritation had passed, as showed on

– June 1, 1967, when, in a letter to the Ministry of Education and Cultural Matters, he wrote:

“I am glad that now the affair has entered its final stage, and I will get Dr. Städtler to bring the contract with the ministry of education to completion. I am happy to know that with this the Bavarian State will rank first among the world's coleopterological collections, and I would also like to thank you personally for your very kind efforts.”

In the years which followed Dr. Frey continued to be preoccupied with the issue; nevertheless, the hitherto existing legacy to the benefit of the State of Bavaria remained unaltered. The joint will from February 20, 1976, again prescribed an order in which the Bavarian State had priority:

“The collection of beetles is to be administered by our executor as long as it is not sold. The collection is to remain whole and is not to be sold unless as a whole.

It is to be offered for sale through the executor in the subsequent order:

- a) to the State of Bavaria*
- b) to museums in Germany*
- c) to museums in Europe*
- d) to museums outside Europe*
- e) to private collectors.*

While the collection is still owned by the community of heirs, the subsidies necessary for its maintenance must conjointly be raised by the community of heirs, and the collection and the museum must be preserved in the condition in which the death of Dr. Frey leaves them.

The executor has to safeguard the interests and obligations of the reversionary heirs – particularly against the provisional heir – until the beginning of the reversionary succession.”

Up to now, the subsidies have been paid by the reversionary heirs in the required way.

Until his death Consul Dr. Frey was of the opinion that the Frey Museum should be consigned to the State of Bavaria. Even as late as 1976, in the presence of witnesses, he said something to the following effect:

“A new will has been made. As to the collection of beetles, though, basically nothing has changed there. It is going to be offered to the Bavarian State before it is offered to any other institution. My son Herbert will participate more fully in the running of the museum.”

By now, the conflict has been settled: on November 30, 1988, the Bavarian Administrative Court, on the strength of the oral proceedings, decreed that the registration of the coleopterological collection “Museum G. Frey” in the index of National Treasure on February 10, 1988, was lawful, and dismissed the action of the society “Beetles for Basle”.

The Basle Museum of Natural History, the society “Beetles for Basle”, and all entomologists should make it their concern to respect the explicit wish of the deceased.

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